

# Notice of Allowability

Application No.

10/780,350

Examiner

Thien D. Tran

Applicant(s)

DOWLING, ERIC M.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/06/2006.
2. ☒ The allowed claim(s) is/are 87-206 renumbered as 1-120 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Dowling on 01/21/2007.

The application has been amended as follows:

claim 87, line 3, "adapted" has been deleted;

claim 106, line 4, "adapted" has been deleted;

claim 125, line 14, "that can be" has been deleted;

claim 161, line 14, "adapted" has been deleted;

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 87, the prior arts fail to teach or fairly suggest a first computerized device configured to place a telephone call via a circuit switched telephone network to a second computerized device, comprising:

a computer readable medium that stores instructions for causing data to be communicated from the first computerized device to the second computerized device utilizing the packet switch data connection, wherein the packet switched data connection is established via a packet switched transmission path that is different than a

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circuit-switched transmission path over which the circuit-switched telephone connection is established, and wherein at least one of the computerized devices is a user computerized device with a user interface, and the packet switched data connection is used to carry application layer data for presentation to a user via the user interface, within the structure of the independent claim 87.

Regarding claim 106, the prior arts fail to teach or fairly suggest a second computerized device for use in a system where a first computerized device initiates a telephone call via a circuit switched telephone network to the second computerized device, comprising:

a computer readable medium that stores instruction for causing application layer data to be communicated between the first and second computerized devices via the packet switched data connection, wherein the packet switched data connection is established via a packet switched transmission path that is different than a circuit-switched transmission path over which the circuit-switched telephone connection is established, and wherein at least one of the first and second computerized devices is a user computerized device with a user interface, and the packet switched data connection is used to carry the application layer data for presentation to a user via the user interface, within the structure of the independent claim 106.

Regarding claim 125, the prior arts fail to teach or fairly suggest a computerized system comprising:

a computer readable medium that stores instructions for causing a data packet to be sent to the recipient telephone subscriber endpoint device via the packet switched

data connection, wherein the packet switched data connection is established via a packet switched transmission path that is different than the route followed by the outgoing communication through the telephone network to the recipient telephony subscriber endpoint device based upon the set of telephone number dialing digits, within the structure of the independent claim 125.

Regarding claim 161, the prior arts fail to teach or fairly suggest a wireless subscriber telephony endpoint device that provides both a telephony connectivity and a packet data service connectivity by wirelessly coupling via a multiplexed wireless subscriber interface communication path to at least one wireless network access point that couples to separate telephony and packet switched network switching infrastructures, the telephony switching infrastructures characterized in that it uses telephone dialing digits to determine how information is to be routed to subscriber telephony endpoints and the packet switched network switching infrastructure characterized in that it supports at least network and transport communication protocol stack layers, wherein the packet switched network switching infrastructure uses packet header information associated with one or more of the protocol stack layers to determine how a packet is to be routed to its destination, the wireless subscriber telephony endpoint device comprising:

a computer readable medium that stores instruction for causing at least a portion of the data packet to be coupled to an application layer program wherein the packet switched data connection is established via a packet switched transmission path through the packet switched network, and wherein the packet switched transmission

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path is different than the route through the telephony switching infrastructure followed by the incoming communication to the wireless subscriber telephony endpoint device, within the structure of the independent claim 161.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (571) 272-7629. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran